

A N
A C T
FOR THE
Relief and Release
Of Poor Distressed
PRISONERS
FOR
Debt or Dammmages.



D U B L I N:
Printed by *Andrew Crook*, Printer to the
King's Most Excellent Majesty, on the *Blind-*
Key, near *Copper-Alley*, M. DC. XC. IX.

CHURCH OF THE

ANGELIC LIGHT

1880

1880

1880

An ACT for the Relief and Release of poor Distressed Prisoners for Debt or Damages.

CHAP. I.

FORASMUCH as very many persons now detained in Prison, are miserably Impoverished, either by reason of the late Unhappy Rebellion in this Kingdom, their own Misfortunes, or otherwise, so as they are totally Disabled to give any Satisfaction to their Creditors; and by being detained in Prison without advantage to any, are rendered Useless and a Burthen to the Kingdom, to the great Prejudice thereof.

Be it therefore Enacted by the Kings Most Excellent Majesty, by, and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by Authority of the same, That all persons who were in Prison upon the first Day of August, in the Year of Our Lord God One thousand Six hundred Ninety seven, for Debt or Damages, or for, or upon any Action or Actions, or upon any Mean Process for Debt, or other Actions whatsoever; which Actions by Prosecution of Law may become Judgments, or who have Judgments Entred upon Record against them, or are Charged in Execution, or Imprisoned

Imprisoned upon Attachment Debt, or upon Outlawries, before or after Judgment for Debt, or upon any other Process whatsoever, Issuing out of any Court of Law or Equity, for the Cause of Debt or Damages, or Costs only, who shall take the Oath hereafter mentioned, shall and may be Released, and Discharged from their Imprisonment, in such way and manner, as is herein and hereafter provided.

And be it further Enacted by the Authority aforesaid, That it shall and may be lawful to, and for any Justice of the Peace of any County, City, Town or Liberty, within the Kingdom of Ireland, by Warrant under his Hand and Seal, to Require the Sheriff, Goaler, or Keeper of any Prison within his respective Jurisdiction, to bring before him without delay, the Body of any Person being in Prison for Debt, or any other Action, as aforesaid, on the first Day of August aforesaid, and the said person Petitioning such Justice to be Discharged to some convenient place, within the distance of One Mile from the said Prison, and shall certify the Cause and Causes of the Imprisonment, before the same Justice; which Warrant every such Sheriff, Goaler and Keeper, is hereby Com-manded to obey: And in Case such Prisoner coming before such Justice, shall take an Oath to this effect, before the said Justice.

I A. B. do upon my Corporal Oath, Solemnly Profess and Declare before Almighty God, That I am not worth in Lands, Money, Goods or Stock, nor any other Estate, Real or Personal in Possession, Reversion, or Remainder, of the value of Five pounds in the whole, or sufficient to pay the
the

the Debt or Damage, for which I am Imprisoned :
And that I have not directly, or indirectly Sold,
Leased, or otherwise Conveyed, Disposed of, or In-
trusted all, or any part of my said Money, Lands,
Goods, Stock, or Estate, whereby to secure the
same to Receive, or expect any profit or advantage
thereof, or to Defraud or Deceive any Creditor or
Creditors whatsoever, to whom I am Indebted.

So help me God, &c.

Which said Oath, the said Justice of the
Peace, is hereby Impowered and Authorized to
Administer; that then after the making of such
Oath, the said Justice shall Remand the Priso-
ner to Prison, and shall without Fee give a Cer-
tificate thereof in Writing under his Hand and
Seal, to the said Prisoner, to be served on such
person or persons, his or their Executors, or
Administrators, or to be left at the place of the
usual Abode of such person or persons, at
whose Suite the Prisoner standeth Charged and
Imprisoned, thereby appointing as well the said
person or persons, as the said Prisoner, to ap-
pear before the Justices at the next General-
Quarter-Sessions of the Peace, to be held for
the same County, City, Town or Liberty; and
when it shall appear upon Oath, before the said
Justices, which said Oath, the said Justices
are hereby Impowered and Authorized to Ad-
minister, that the said Certificate was so served,
or left, Ten Days or more, before the said Ses-
sions; and that the said Oath taken by the said
Prisoner, be not disproved by good Testimony,
of any Credible person or persons upon Oath,
to be Administred by the said Justices, by Vir-
tue of this Act; Then the said Justices being
satisfied

satisfied therein, shall without Fee direct their Warrant under their Hands and Seals, commanding the said Sheriff, Goaler, or Keeper of the Prison, to let at Liberty, and Discharge the said Prisoner, if Imprisoned for the Causes aforesaid, and no other, without paying any thing for the Fees, or Chamber-Rent; Which Warrant shall be a sufficient Discharge to the said Sheriff, Goaler, or Keeper of the Prison, and no Action of Escape, or other Action shall be brought against them, or any of them in any wise for the same.

Provided always, That if any Creditor shall insist to have his Debtor continued in Prison after he hath taken the said Oath, and will allow him a weekly Maintainance, to be appointed by the Justices of the Peace, not exceeding Fourteen pence the Week; that such Prisoner shall be continued in Prison for the space of Three Months, on Payment of the said weekly Allowance, as aforesaid; which said Money shall be paid weekly to the said Prisoner himself, and not to the Goaler, Keeper, or any other for him: And if within the space of Three Months, after such weekly Allowance by any Creditor, no Estate of the Prisoner shall be discovered or made out, before Two Justices of the Peace of that County and Division, where the said Prisoner is kept in Prison, then the said Prisoner shall without Fee be forthwith Discharged, by Warrant under the Hands and Seals of any Two Justices of the Peace, of the same County or Division; Where the said Prisoner shall be so Imprisoned, to the Keeper of such Prison, in that behalf Directed as fully and amply, as if such Prisoner shall be so Imprisoned to the
Keeper

Keeper of such Prison in that behalf, directed as fully and amply as if such Prisoner had been Discharged by Justices of the Peace at the Quarter-Sessions: And that then, and from thenceforth, the said Weekly Allowance shall cease and determine, as if the same had never been made.

And be it further Enacted by the Authority aforesaid, That no Prisoner Discharged out of Prison by Virtue of this present Act, shall at any time hereafter be Imprisoned for, or by reason of any Debt or Damages, or any Summ or Summs of Money contracted or grown due to, or recovered by any person or persons at whose Sure the said Prisoner did stand Charged in any Prison, or any other person or persons to whom such Prisoner did give notice under the Hand and Seal of some Justice of the Peace of the same County or place, the space of Ten days before the time of his Discharge, of his Intention to receive the Benefit of this Act, and of the Way and Course he intended to take for obtaining the same, before the time of their Discharge, as aforesaid. But that upon any Arrest for such Debt, Damages, or Summs of Money, it shall and may be Lawful for them, shewing a Duplicate of their Discharges under the Hands and Seals of the Justices of the Peace, by whom they were Discharged, or of any Two of them, or of such Justices of the Peace, in Case such Prisoner be discharged after an Allowance of Maintenance by the Creditors for Three Months, as aforesaid, which the said Justices are hereby Required to give without Fee to every Prisoner so by them discharged, to retain an Attorney to appear for them, and File Common Bail to every such Action

Action, and Plead thereunto, so that the Plaintiff (if he please) may Recover and Enter Judgment against such Prisoner, to be Executed and Levied upon the Lands, Tenements, Goods and Chattels of such Prisoner so discharged, as aforesaid; his or her Wareing Apparel, Furniture for his or her Dwelling House, the said Furniture and Necessary Tools for his or her Trade and Occupation not exceeding Five pounds in Value, only Excepted, but not upon the person or persons of the Prisoners, the persons of such Prisoners being hereby for ever freed and discharged from Imprisonment for any Debt, Trespas upon the Case, Duty, Summ or Summs of Money, or things thereunto relating, contracted or due before the time of their Discharge, having had Notice, as aforesaid.

And be it further Enacted by the Authority aforesaid, That in Case any Sheriff, Goaler, or Keeper of a Prison, shall refuse or delay for Three days, to bring before such Justice of the Peace, or after a Warrant of Discharge delivered to him, as aforesaid, refuse or neglect to set at Liberty any Prisoner or Prisoners according to the said Order of the Justice or Justices of the Peace, made in the pursuance of this Act; every such Goaler, Sheriff, or Keeper of Prison shall Forfeit and pay to such Prisoner so detained, contrary to such Order, the Summ of Twenty pounds, to be Recovered by Bill, Plaint, Suite, or Action of Debt, in any of His Majesty's Courts of Record, wherein no Essoyne Protection, or Wager of Law is to be allowed, nor more than one Imparllance Granted; and shall also be liable and subject to such Fine

Fine and Imprisonment for such time, not exceeding Two Months, as the said Justices of the Peace shall, upon Complaint thereof to them made, Order and Award.

And be it further Enacted by the Authority aforesaid, That upon any Action of Escape, or other Sute brought, or to be brought, against any Justice of the Peace, Sheriff, Goaler, or Keeper of Prison, for any thing done in Obedience to this Act, it shall and may be Lawful to, and for any such Justice of the Peace, Sheriff, Goaler, and Keeper of Prison, to Plead the General Issue, and give this Act in Evidence, which shall be a Good and Sufficient Discharge, and save harmless every such Justice of the Peace, Sheriff, Goaler and Keeper of Prison, Pleading the same; and if the Plaintiff in any such Action be Non-Suted, or Verdict pass against him, the Defendant shall have Double Costs, to be Taxed by the Court where such Action is brought.

Provided always, That the Discharge of any person or persons by Virtue of this Act, shall not amount unto, or be construed to Free or Discharge any other person or persons jointly or severally Bound for, or lyable to Answer or Satisfy the said Debt, or any part thereof, either as Principal or Surety, but that such other person or persons shall be lyable to Answer the said Debt and Damages in such manner, to all Intents and purposes, as they were before the Discharge of such prisoner.

Provided also, That no person by Virtue of this Act, shall be discharged out of prison who shall be Charged in Execution with more than
C the

the Summ of Fifty pounds to any one person principal Money and Damages.

Provided always, That if any prisoner who shall be released by Virtue of this Act, shall at any time afterwards be found, or suspected by any Creditor to have in ready Money, Goods or Chattels in his own hands and possession, or in the hands of any others to his or her use, or in Trust for him or her, in Value over and above what he or she is allowed by this Act, other than such Goods in his Shop or Work-house, as he shall have been Credited and Trusted with since the time of his Discharge, and for what he shall be really Indebted at the time of making such Oath, and he or she will not, or do not upon Convenient demand, pay his or her Debt or Debts therewith, as far as the same will reach, that then, and in such Case, at the request of any Creditor, the said Oath shall be tendered to him or her again by any Justice of the Peace in this Act before Impowered to Administer the said Oath for Discharge of Prisoners, or by any Judge of the Court wherein there is Judgment against him when he or she refusing to take the said Oath, shall be Remanded to prison, in Execution for such Debt or Debts, any thing in this Act to the contrary, Notwithstanding.

Provided also, That this Act shall not extend to any person or persons in Execution for any Fine on him or her Imposed for any Offence by him or her committed.

Provided, that such person or persons as is, or are detained in Prison upon any Realme Process, if it shall be desired by
any

any Creditor before any Justice of the Peace, to whom such Prisoner has applyed for his Discharge, shall forthwith give a Warrant to some Attorney to appear, or file common Bail for him, or them, in the Court out of which the said Writhe Process issued, and to receive a Declaration at the Plaintiffs Sute; and that such Prisoner shall thereupon have the full Benefit of this Law, as to the Liberty of his person, against his said Imprisonment, upon the said Writhe Process, and against any Judgment, or Execution, that shall be had against him in that Sute, and against any other Sute that shall be brought against him for the same matter, or cause of Action, to all intents and purposes as fully and beneficially, as if he had been charged in Execution at the said Plaintiffs Sute, before the first Day of August aforesaid; but such person in Prison upon Writhe Process, shall in case of his refusal to give such Warrant of Attorney, loose the whole Benefit of this Act.

Provided always, That no Merchant Stranger, or other Alien or Foreigner, that hath been Arrested, and is in Prison on any Action or Sute, for, or by reason of any Debt, or other Engagement contracted, or Entred into beyond the Seas, shall have any Benefit of this Act; but that all, and every such Merchant Stranger, and other Alien and Foreigner, shall, and may be detained in prison, and proceeded against as if this Act had never been made.

Provided always, That no prisoner shall be Discharged by Virtue of this Act, until he shall before the Justices of Peace, who are by this Act impowered to Discharge him, declare upon his, or her Corporal Oath, which Oath
the

the said Justices are hereby appointed to Administer, what Effects are belonging to him or her, and what Debt or Debts are then Owning to him or her, within any his Majesty's Dominions, or elsewhere, and by Whom, and for what Cause, and upon what Security; of all which a Schedule shall be made in the presence of such Justices, and Subscribed by the Prisoner, and shall be by such Justices returned to the next Quarter-Sessions, there to be kept for the better Information of the Creditor of such Prisoner, who, or such of them as will joyn, may thereupon Sue for such Debts, or so much thereof, as will reasonably satisfy them, in the Name of the Prisoner; and after the same Recovered and Received, to render the Over-plus thereof (their own Debts and Charges first Deducted) to the Prisoner.

Provided always, and to Deterre all persons who are by the Charitable Intention of this Act to be Relieved, from abusing the Favour hereby to them intended.

Be it Enacted, That if any person who shall in pursuance of this Act, take his Oath for any the purposes hereby appointed, shall Forswear, or Perjure him or herself, then such person being Lawfully Convicted thereof, shall beyond, and over and above the Penalties which may by the Law now in being inflicted, Suffer Imprisonment for the space of Seaven Years, without Bail or Mainprize.

F I N I S.









